

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard E. Michaelson, et al.
Appl. No.: 10/601,482
Conf. No.: 1385
Filed: June 23, 2003
Title: CENTRAL DETERMINATION GAMING SYSTEM WITH A KENO GAME
Art Unit: 3713
Examiner: Dat Nguyen
Docket No.: 112300-1349

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMMENTS ACCOMPANYING PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR §1.137(b)**

Sir:

These comments are submitted in accompaniment of the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR §1.137(b) and in reply to the Notice of Abandonment dated April 7, 2008.

REMARKS

In response to the Notice of Abandonment dated April 7, 2008, a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR §1.137(b) is submitted herewith. Applicant respectfully requests that the Petition be granted, the present application be revived and the Issue Fee submitted herewith be entered with respect to the present application.

Please charge Deposit Account No. 02-1818 to cover the fees of this Petition for Revival of an Application for Patent Abandoned Unintentionally, the Issue Fee, any fees for any necessary Extensions of Time and any other associated costs.

Moreover, if the Examiner believes that a Request for Continued Examination is appropriate for this patent application, Applicant respectfully requests for the Examiner to notify the undersigned and charge Deposit Account No. 02-1818 for the cost of such RCE.

Applicant submits that on December 10, 2007, the U.S. Patent and Trademark Office issued a Notice of Allowance and a Notice of Allowability for the present patent application. The deadline for paying the issue fee for this application was set as March 10, 2008.

On February 27, 2008, the U.S. Patent and Trademark Office issued a second Notice of Allowability for this application.

Shortly following the receipt of this second Notice of Allowability (and before the first deadline of March 10, 2008), Applicant's representative, Holby Abern (Registration No. 47,372) had a conversation with Examiner Dat Nguyen regarding the second Notice of Allowability. The Examiner stated that one of the dependent claims depended from a previously cancelled claim and that the Examiner did an Examiner's amendment to cancel this dependent claim. The Examiner stated because of such Examiner's Amendment, the Examiner issued the second Notice of Allowability.

During this conversation, Mr. Abern specifically asked if the first time period to pay the issue fee was to be reset and the Examiner acknowledged that it would be reset (and that Applicant's representative could disregard the time period to pay the issue fee for the first Notice of Allowability dated December 10, 2007). Accordingly, Applicant's representatives docketed a deadline of May 27, 2008 to pay the Issue Fee for the

present patent application. Applicant respectfully submits that the Examiner made a mistake and did not reset the deadline for paying the issue fee.

On April 7, 2008, the U.S. Patent and Trademark Office issued a Notice of Abandonment for the present application. The Notice of Abandonment stated that the application went abandoned because of Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing of the Notice of Allowance.

On April 7, 2008, Mr. Abern called and left a message for Examiner Nguyen regarding this Notice of Abandonment.

On April 8, 2008, Examiner Nguyen returned Mr. Abern's phone call and apologized for his mistake and said he would talk to his supervisor regarding how to remedy this Notice of Abandonment.

On April 8, 2008, Mr. Abern also spoke to a customer service representative at the Office of Data Management for the U.S. Patent and Trademark Office. This customer service representative informed Mr. Abern that because the Examiner failed to issue another Notice of Allowance with the second Notice of Allowability, the Examiner failed to reset the time period to pay the Issue Fee. The customer service representative stated that although "the Examiner dropped the ball", Applicant would need to file a Petition to Revive for Failure to Pay the Issue Fee.

Accordingly, Applicant submits the accompanying Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR §1.137(b). Applicant submits that the entire delay in not paying the Issue Fee due March 10, 2008 was unintentional.

If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Adam H. Masia
Reg. No. 35,602
Customer No. 29159

Dated: April 10, 2008